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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/923,764	08/07/2001	Stephen E. Frazier	15503.5_DIV	9393
7590 11/16/2005				
Enrique G. Estevez 255 South Orange Avenue, Suite 1401 P.O. Box 3791 Orlando, FL 32802-3791		EXAMINER HENDRICKSON, STUART L		
		ART UNIT PAPER NUMBER		
		1754		

DATE MAILED: 11/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/923,764

Applicant(s)

FRAZIER, STEPHEN E.

Examiner

Stuart Hendrickson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 64-66, 75 and 80-83 is/are pending in the application.
- 4a) Of the above claim(s) 82 and 83 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 64-66, 75, 80, 81 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

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The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action. Claims 82 and 83 are drawn to nonelected subject matter, by original presentation, and are withdrawn from consideration. These claims are distinct since they could be made by a materially different process.

Claims 64-66, 75, 80, 81 are rejected under 35 U.S.C. 103(a) as obvious over Aibe et al. taken with Gai.

Aibe teaches in columns 5, 8 and 28 impregnating active carbon with a dilute aqueous solution of KI only. The impregnation is deemed uniform, since the material has the whole outside surface contacted with the solution. The degree of saturation is an obvious expedient to optimize the reactivity versus cost; In re Boesch 205 USPQ 215, noting also Gai pg. 41.

The reference does not explicitly *use* 'granular' carbon (see column 31), however Gai pg. 48 teaches granular as an useful form. Using granules is an obvious expedient to increase the utility to include gas masks, nuclear stations etc.

The new washing step is an obvious expedient to optimize impregnant content; Aibe col. 6.

Claims 64-66, 75, 80, 81 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gai taken with Aibe.

Gai teaches on pgs. 41, 44 and 49 doping activated carbon granules with 1.5% KI. The sole difference is that Gai does not teach heating to dry.

However, Aibe teaches drying KI impregnated active carbon by low-temperature heating. Using this in the process of Gai is an obvious expedient to quickly dry the material. The new washing step is an obvious expedient to optimize impregnant content; Aibe col. 6.

Applicant's arguments filed 2/18/05 have been fully considered but they are not persuasive.

The Henning reference has been determined to have a publication date after the present filing date. No criticality is seen between a particle and a monolith; their substitution is a matter of

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obvious optimization. It is not seen how the present process would have a different mode of action versus the references. The intended use is not being examined; arguments thereto are not persuasive.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication should be directed to examiner Hendrickson at telephone number (571) 272-1351.



Stuart Hendrickson
examiner Art Unit 1754